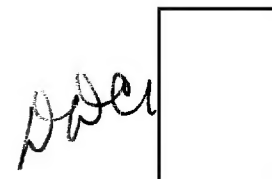


STAT

22 July 1964



MEMORANDUM FOR: Deputy Director of Central Intelligence
SUBJECT: Dual Compensation Legislation

1. This memorandum is for information only.
2. On 20 July 1964 the Senate passed by voice vote H. R. 7381, which is a bill to simplify and bring up to date the various laws pertaining to dual compensation. This bill was previously the subject of an information memorandum to the Deputy Director of Central Intelligence dated 19 February 1964 and attached herewith as Tab B. The substance of the bill remains the same as the House version. However, minor Senate amendments will necessitate a House-Senate conference before the bill may be signed into law. All Senate committee amendments reported in Senate Report 935, attached as Tab A, were adopted.

STAT

JOHN S. WARNER
Legislative Counsel

Atts.

cc: DD/S
Personnel

FILE

Calendar No. 904

88TH CONGRESS
2d Session

SENATE

REPORT
No. 935

DUAL EMPLOYMENT AND DUAL COMPENSATION

MARCH 4 (legislative day, FEBRUARY 26), 1964.—Ordered to be printed

Mr. YARBOROUGH, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany H.R. 7381]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 7381) to simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

Title II is amended by eliminating section 205. This provision would require public notice, a waiting period, and open, competitive examinations in order to fill any vacancy in the competitive civil service if a retired member of the Armed Forces is a candidate for the position. Since agencies could never positively determine whether a retired member would be interested in applying for such a position, the entire examining and appointing procedures of the Civil Service Commission would have to be revised in order to comply with the requirements of this section. The committee believes that because section 204 of the bill lends adequate protection to civilian employees and eliminates certain inequities in the hiring of retired military personnel, section 205 is unnecessarily restrictive.

Title III is amended in regard to the employment of one person in more than one civilian office. The new provisions in sections 301 and 402(c) will maintain the status quo for employment in certain positions in the legislative branch of the Government.

PURPOSE

Four basic goals can be attained by enactment of this legislation.

(1) At the present time, legislation and administrative decisions in regard to dual compensation and dual employment are varied and complex. There are approximately 50 separate statutes and 200 Comptroller General decisions relating to the employment of retired military personnel and the dual employment of civilian officers. Few administrators or personnel officers in Federal agencies fully understand the present law, and cannot be present in every case when an important decision or interpretation applicable to a particular situation is made. Thus by merely simplifying and consolidating all these laws and regulations into one manageable statute, a major accomplishment will be achieved. Many unfortunate errors which have been made in the past will be avoided in the future. A key example of such an incident is illustrated by recent Comptroller General decisions involving certain warrant officers and retired Reserve officers now employed by the Government. The decisions brought these groups within the prohibitions of the 1894 and 1932 dual compensation statutes, thus requiring reduction in retirement pay for some and substantial demands for overpayment of salary for others. In some cases these overpayments amounted to many thousands of dollars. Relief for these two groups is included in the present bill.

(2) Under present law, a Regular officer of the U.S. Armed Forces, including a warrant officer, retired for length of service, is prohibited from accepting Federal employment because of the maximum salary limitation established under the Dual Office Act of 1894. Testimony before the Subcommittee on Civil Service in its public hearings on December 12, 1963, revealed that in many cases the Government may be the loser because of these restrictions. Many skilled technicians, retired at relatively young ages from the Armed Forces, can be effectively utilized in civilian agencies. But because of the restrictions of present law, the Government cannot even offer these people employment even though many of them would prefer to remain in public service and are particularly suited to Federal employment. A major source of well-trained prospective employees is completely unavailable.

(3) Under present law, no person may hold two civilian positions in the Government if the combined compensation exceeds \$2,000 per annum. At the present time, the lowest salary on the general schedule is \$3,305 per annum. H.R. 7381 would modernize dual compensation provisions to allow a person to hold several part-time jobs so long as the aggregate number of hours worked does not exceed the equivalent of one full-time position. Emphasis will be placed upon the number of hours worked, not the compensation earned.

(4) By allowing Regular officers retired for length of service to be employed by the Government in a civilian office and at the same time retain some of their military retirement pay, a more equitable employment system will be established. Retired Reserve officers, enlisted men, and Regular officers retired for combat disability are not now restricted by dual employment laws. H.R. 7381 does not affect these retired military persons insofar as their retirement pay or civilian pay is concerned. It does, however, give their fellow service member, the Regular officer retired upon the completion of his career, a more equitable employment opportunity.

DUAL EMPLOYMENT AND DUAL COMPENSATION

3

JUSTIFICATION

In addition to numerous special statutes and some 200 Comptroller General decisions, there are 3 basic statutes regarding dual employment and dual compensation. The Dual Office Act of 1894 was designed to prohibit the employment of any person in any Federal office if such person was already an office holder if either of the positions involved paid \$2,500 per annum. A retired member of the Armed Forces is considered to be an office holder for the purposes of this act. At the time, very few retired military personnel received \$2,500 retirement pay, and few positions paid as much as \$2,500 per annum. It worked no substantial hardship on either the Government or the retired military man. Over the years, the situation has changed. The 1894 act has been amended or interpreted to exclude from its prohibition everyone except Regular officers retired for length of service. All others, enlisted, Reserve, or disabled, are not subject to the act.

The Dual Compensation Act of 1916 prohibits the employment of one person in two civilian positions if the total compensation exceeds \$2,000 per annum. Many exceptions have been made to this act for particular Government needs.

The Economy Act of 1932 stipulates that retired commissioned officers employed by the Government shall have their retirement pay reduced to the extent necessary to maintain a maximum compensation of \$10,000 per annum. Reserve officers were excepted from the provisions of this act. If both retirement pay and civilian compensation are in excess of \$10,000, the employee may choose which salary he wishes to receive, but he may not receive both. Since the 1894 act applies to many of the same officers, the only group affected by the 1932 act are Regular and temporary commissioned officers retired for noncombat physical disability.

No doubt congressional policy established at the time these laws were passed was reasonable. However, changing economic and employment conditions necessitate substantial revision in the basic policy which the Government should enforce in regard to the employment of retired military personnel as well as dual compensation. Twenty-five hundred dollars is no longer a realistic figure when no office under the general schedule, postal field service schedule, or most other Federal salary schedules is compensated at such a low sum. Two thousand dollars as the maximum salary for persons holding more than one office (particularly when many of these people hold part-time jobs) is not in line with current wage scales or costs of living. Of most importance, however, is the fact that a highly trained group of career military officers, many of whom are interested in joining the Federal civilian work force and remaining in public service, are presently prohibited, absolutely, from continuing to serve their country. Such a waste of skilled manpower in the atomic and space age does more harm to the prospective employer—the Government—than the prospective employee, who can in many instances find more financially rewarding employment in private industry. Many of the skills possessed by these people are not readily available to the Government or private enterprise from other sources. Several examples of retired military officers who sought Federal employment and were barred by the dual compensation statutes should adequately illustrate the problem.

(1) A medical officer who had specialized in research in pathology retired from the Army as a colonel. The Public Health Service is doing research in the same area and could have used his background and skills to great advantage.

(2) An aeronautical engineer, retired as a lieutenant colonel at age 42, with a background in research and development, had to seek employment outside the Government. He had received his master's degree from the Air Institute of Technology—an Air Force school.

(3) In testimony before the committee, Dr. Linus Zink, Assistant Chief Medical Director of the Veterans' Administration, pointed out several examples where eminently qualified specialists in the fields of pathology, radiology, and the new and rare specialty of hyperbarics were prevented from working for the Department of Medicine and Surgery because of dual compensation restrictions.

(4) Although special legislation relieves the National Aeronautics and Space Administration from the absolute bar against hiring retired Regular officers, the employee must surrender all of his retirement pay. NASA Administrator James E. Webb has pointed out numerous examples of skilled persons badly needed in the space program who entered private industry in order to retain retirement pay of several thousand dollars a year.

The situation is approaching a critical stage. Government employment needs grow in the specialized fields more with each passing year. To prohibit a large number of retired Regular officers from serving their country in a civilian capacity as they have served it in a military career seems not only unjustified, and a singular discrimination, but a waste of manpower and skill that can no longer be afforded.

SECTIONAL ANALYSIS OF THE BILL AS REPORTED

TITLE I—DEFINITIONS

Section 101 defines the special terms used, most of which are based on the definitions used for the same words by section 101 of title 37, United States Code. The definition of "civilian office" is intended to cover employment in any civilian office or position in the Government of the United States or in the municipal government of the District of Columbia whether appointive, elective, under a personal service contract, or otherwise. Such term also covers employment in non-appropriated fund instrumentalities under the jurisdiction of the Armed Forces.

TITLE II—EMPLOYMENT OF RETIRED MEMBERS OF UNIFORMED SERVICES

Reduction in retired or retirement pay

Section 201(a) provides that a retired officer of any Regular component of the uniformed services who holds a civilian office shall receive the full compensation of the civilian office plus the first \$2,000 of his retired or retirement pay, plus one-half of the remainder, if any.

Section 201(a) also provides that the \$2,000 shall be increased by appropriate percentages in direct proportion to each increase in such retired or retirement pay under section 1401a(b) of title 10, United States Code, to reflect changes in the consumer price index. Thus, if the first increase under such section 1401a(b) amounts to 3 percent,

such a retired officer thereafter will have his retirement or retired pay reduced to an annual rate equal to the first \$2,000 increased by 3 percent plus one-half the remainder and the next increase under such section 1401a(b) would be applied to the new base and any later increases applied accordingly.

Section 201(b) excepts from reduction in retired pay required by subsection (a) a retired officer of any Regular component of the uniformed services whose retirement was based on disability resulting from an injury or disease received in line of duty as a direct result of armed conflict or based on disability caused by an instrumentality of war and incurred in the line of duty during a period of war.

Section 201(c) excepts from the reduction in retired or retirement pay required by subsection (a) the first 30 days of a temporary, part-time, or intermittent appointment if serving under one appointment, or not to exceed a total of 30 days during any fiscal year in case the employee is serving under more than one appointment.

Section 201(d) provides a definition of "period for which he receives salary" for purposes of subsections (a) and (c) of section 201.

Section 201(e) authorizes the U.S. Civil Service Commission, subject to the supervision and control of the President, to prescribe regulations under which exceptions to subsection (a) may be made whenever it is determined by appropriate authority that exceptions are warranted on the basis of special or emergency employment needs which otherwise cannot readily be met. Authority to provide a means for exceptions from subsection (a) also is vested in the President of the Senate with respect to the U.S. Senate, the Speaker of the House with respect to the U.S. House of Representatives, and the Architect of the Capitol with respect to the Office of the Architect of the Capitol. Special authority is granted the Administrator of the National Aeronautics and Space Administration to exempt from such subsection (a) any individual in a scientific, engineering, or administrative position appointed pursuant to section 203(b)(2)(A) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)(2)(A)), but not more than 30 such exemptions may exist at any one time.

Section 201(f) provides that a retired officer of any Regular component of the uniformed services who was employed in a civilian office on the day immediately preceding the effective date of the subsection may elect to remain subject to and continue under any applicable limitations on or exceptions to the amount of compensation to be received which were in effect prior to such effective date, or to be subject to the applicable limitations and exceptions contained in subsections (a), (b), (c), and (e) of section 201.

It is expected that very few Regular officers will be in a position to exercise this option because the only Regular officers serving in civilian positions at the present time are those serving in positions for which specific statutory exemptions have been granted from the dual office holding prohibitions of section 2 of the act of July 31, 1894, as amended (5 U.S.C. 62).

Reserve officers

Section 201(g) authorizes the retroactive exemption from the \$10,000 compensation restriction of section 212 of the act of June 30, 1932, as amended (5 U.S.C. 59a), for certain retired members who were

serving in the Army or Air Force of the United States without component in a temporary grade higher than, or the same as, the Reserve commission then held who were retired in such grade for physical disability. The exemption will be retroactive and apply to each such person for any period following his retirement. The effect of the provision will be to require retroactive adjustment in retirement or retired pay and will overcome the recent decision of the Comptroller General involving these officers (B-136459, May 18, 1961).

Warrant officers

Section 201(h) will exempt a non-Regular member of any of the Armed Forces who served on active duty in a temporary warrant officer grade and who was retired in that status prior to the effective date prescribed by section 403(a) of the bill from the restriction in section 2 of the act of July 31, 1894; as amended (5 U.S.C. 62), for any period following his retirement. This provision is designed to protect the civilian appointments of such retired warrant officers retroactively to the date of their appointment to civilian positions. This provision will overcome the holding of the Comptroller General's decision of April 2, 1963 (B-141989) that a retired temporary warrant officer is subject to the dual-office restriction contained in the act of July 31, 1894, and therefore could not legally be appointed to a civilian office.

Veterans' preference

Section 202 amends section 12 of the Veterans' Preference Act in regard to retention preference for purposes of reductions in force. This committee has devoted its most careful attention to this aspect of the bill. The original proposal of the Civil Service Commission recommended elimination of all veterans' preference for any retired member of the Armed Forces having more than 6 years' continuous active duty. As reported, H.R. 7381 will remove career military retirees employed in the future in the civilian service from the preferred category for purposes of reductions in force and will count only their wartime service in computing seniority. This will eliminate the very substantial advantage which career military personnel now enjoy over career civilian personnel who may or may not be entitled to preference. For instance, a retired military man who enters the Federal service after 30 years in the Army immediately attains 30 years' seniority plus retention preference. Thus, in his competitive group in a reduction in force, the retired military man will be removed from his position only after all nonveterans have been removed and only after all preference veterans having less seniority have been removed. The amendment will give greater protection to the career civilian employee who is a veteran of wartime service as well as the career employee who is not a veteran entitled to preference. All retired military persons having less than 20 years' service, those retired on combat disability, and those presently employed by the Government will retain all preference.

Crediting military service for annual leave purposes

Section 203 of the bill amends section 203(a) of the Annual and Sick Leave Act of 1951 to provide a more restrictive method of crediting active military service of a retired member of any of the uniformed services for annual leave accrual purposes. Under existing law, all service creditable under section 3 of the Civil Service Retire-

ment Act for purposes of annuity may be counted in determining annual leave accruals (which are based on 13 days per year up to 3 years of service, 20 days after 3 years of service up to 15 years, and 26 days per year after 15 years of service). It is the current practice to count all military service for annual leave accrual purposes since all military service is creditable under the Civil Service Retirement Act if the retiree waives his military retired pay.

The amendment to the Annual and Sick Leave Act of 1951 made by section 203 of the bill will permit a retired member of the uniformed services to count, for annual leave accrual purposes, only military service performed in the Armed Forces during any war or in any campaign or expedition for which a campaign badge has been authorized or all of his military service if his retirement is based on disability resulting from injury or disease received in line of duty as a direct result of armed conflict or based on disability caused by an instrumentality of war and incurred in line of duty during a period of war. The section also contains a savings clause to permit those now employed to continue counting all their military service.

Employment of retired military personnel in the Department of Defense

Section 204 establishes certain safeguards regarding the employment of retired military personnel in the Defense Department for a certain period of time after their retirement. Under the provisions of the Gilpatric Memorandum, issued by the Deputy Secretary of Defense in 1961, no retired military person can be employed on the same base where he was stationed 6 months prior to his retirement unless the Secretary of the appropriate Department approves the employment. Section 204 incorporates the principle of the Gilpatric Memorandum into the law, and expands it to prohibit the employment of such a person any where in the Department of Defense for a period of 6 months unless the criteria in section 204(b) are satisfied and the permission of the appropriate Secretary and, if the office is in the competitive service, after the approval of the Civil Service Commission is secured. Positions included under section 504 of the Salary Reform Act of 1962 are excluded from these restrictions, and the restrictions shall be suspended in case of national emergency.

Report

Section 206 requires the President to transmit to the Congress on or before January 1, 1966, a comprehensive report of the operations of the departments and agencies in the executive branch under title II of the bill.

It is expected that the report will contain sufficient information to permit the appropriate committees of the Congress to review the utilization of the new dual-employment and dual-compensation system established by the bill and to review particularly any adverse effects resulting from the repeal of the dual-office-holding restrictions of section 2 of the act of July 31, 1894, as amended (5 U.S.C. 62).

Employment in more than one civilian office

The provisions of section 301 of the bill deal solely with the employment of civilian personnel in more than one civilian office.

Subsection (a) of section 301 will prohibit Government civilian personnel generally from receiving basic compensation from more than one civilian office (as defined in sec. 101(3) of the bill) for more than an

aggregate of 40 hours of work in any calendar week (Sunday through Saturday). The provisions do not prohibit an employee from having a combination of part-time positions collectively equal to an aggregate of 40 hours of work in any calendar week.

The prohibition is on the receipt of basic compensation and will not affect the receipt of otherwise properly earned overtime compensation for work in one position in excess of the hours required for overtime compensation.

Subsection (b) of section 301 authorizes the U.S. Civil Service Commission, subject to the supervision and control of the President, to prescribe regulations under which exceptions to subsection (a) of such section may be made whenever it is determined by appropriate authority that exceptions are warranted on the ground that personal services otherwise cannot be readily obtained.

Subsection (c) relates to the employment of personnel in the legislative branch of the Government. This provision, in conjunction with paragraph (5) of section 301 (d) and (f) and section 402(c) will maintain the present method of employment in the legislative branch. Present law prohibits dual compensation if both positions are within the U.S. Senate, or if either position is in the executive branch. However, one person may be employed in more than one part-time position in the House of Representatives if the basic compensation does not exceed \$2,000 per annum. By repealing the \$2,000 basic compensation limitation which has particular meaning for congressional employment, new problems could arise in regard to employment in the legislative branch. The amendments contained in the present bill would resolve the difficulties by retaining the present employment rules applicable to the Congress.

Subsection (d) of section 301 provides that subsection (a) of such section does not apply to the receipt of compensation in unusual situations which Congress previously has found deserve special treatment, or which were the subject of decisions by the Comptroller General.

Paragraph (1) excepts compensation on a when-actually-employed basis received from more than one consultant or expert position if such compensation is not received for the same hours of the same day.

Paragraph (2) excepts compensation consisting of fees paid on other than a time basis.

Paragraph (3) excepts compensation received by teachers of the public schools of the District of Columbia for employment in a civilian office during the summer vacation period.

Paragraph (4) excepts compensation paid by the Tennessee Valley Authority to employees performing certain part-time or intermittent work in addition to their normal duties when the Authority deems it to be in the interest of efficiency and economy.

Paragraph (5) relates to employment in the legislative branch.

Paragraph (6) excepts compensation paid by the U.S. Coast Guard to employees occupying part-time positions of lamp-lighters.

Paragraph (7) excepts compensation within the purview of provisions of nine laws, each of which are amended by section 401 (i)-(q) of the bill to provide exceptions from section 301.

Subsection (e) is a savings provision permitting civilian personnel serving on the effective date of section 301 in more than one position under properly authorized appointments to continue to serve under

such appointments and to receive the compensation from such offices without regard to subsection (a) for the duration of the appointment or appointments.

Miscellaneous provisions

Subsections (a) through (h) of section 401 of the bill amend provisions of various laws to eliminate reference to section 212 of the act of June 30, 1932, as amended (5 U.S.C. 59a), which is repealed by section 402(a)(20) of the bill and to insert in lieu thereof reference to section 201 of the bill; that is, section 201 of the new Dual Compensation Act. Thus, Regular officers who may be appointed to the civilian offices covered by such laws will have their retired pay reduced under the provisions of section 201 of the bill, if applicable.

Subsection (a) relates to a member of the Boxing Commission of the District of Columbia (D.C. Code, sec. 3-1226).

Subsection (b) relates to the Office of Civil Defense in the District of Columbia (D.C. Code, sec. 6-1202).

Subsection (c) relates to service as a member of the Peace Corps National Advisory Council (22 U.S.C. 2512(b)).

Subsection (d) relates to certain consultants, members of advising boards, and other persons of the Arms Control and Disarmament Agency (22 U.S.C. 2584).

Subsection (e) relates to retired officers appointed to positions authorized under the Foreign Assistance Act of 1961 (22 U.S.C. 2386(b)).

Subsection (f) relates to the Chairman of the Military Liaison Committee under the Atomic Energy Act of 1954 (42 U.S.C. 2038).

Subsection (g) relates to the Chairman of the Liaison Committee under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2474(d)).

Subsection (h) relates to the members of the U.S. Study Commission on the Savannah, Altamaha, St. Mary's Apalachicola-Chattahoochee, and Perdido-Escambia River Basins and intervening areas (Public Law 85-850).

Subsections (i) through (q) of section 401 amend provisions of various laws to eliminate reference to section 2 of the act of July 31, 1894, as amended (5 U.S.C. 62), and section 6 of the act of May 10, 1916, as amended (5 U.S.C. 58 and 59), relating to dual employment and dual compensation and to insert reference to section 301 of the bill that is, section 301 of the New Dual Compensation Act.

Subsection (i) relates to public school teachers of District of Columbia employed as teachers of night schools and vacation schools (District of Columbia Code, sec. 31-631a).

Subsection (j) relates to certain employees of Library of Congress (2 U.S.C. 162; 5 U.S.C. 60).

Subsection (k) relates to custodial employees of the District of Columbia Board of Education when such employees are performing work in school buildings being used for nonrecreational official purposes by a Federal agency or department of the District of Columbia government (District of Columbia Code, sec. 31-631a).

Subsection (l) relates to crews of vessels under the Secretary of Commerce when assigned duties as instrument observer or recorder and to Federal employees while observing tides or currents, or tending seismograph or magnetographs (33 U.S.C. 873).

DUAL EMPLOYMENT AND DUAL COMPENSATION

Subsection (m) relates to employees conducting meteorological investigations in the Arctic region (15 U.S.C. 327).

Subsection (n) relates to Department of Defense oversea teachers employed in another position during the school recess period (5 U.S.C. 2358(b)).

Subsection (o) relates to public school teachers of the Canal Zone who also are employed in night or vacation schools (sec. 102, ch. 7, title 2, Canal Zone Code).

Subsection (p) relates to Federal employees performing fieldwork of the Census Bureau in addition to their regular duties (13 U.S.C. 23(b)).

Subsection (q) relates to dual employment of employees in the postal service (39 U.S.C. 3335).

REPEALS

Section 402(a) repeals 38 provisions of law relating to dual employment or dual compensation or which are now obsolete, including the three major laws on these subjects, namely: (1) Section 2 of the act of July 31, 1894, as amended (5 U.S.C. 62), relating to the holding of two offices; (2) section 6 of the act of May 10, 1916 (5 U.S.C. 58), relating to double salaries; and (3) section 212 of the act of June 30, 1932, as amended (5 U.S.C. 59a), relating to the limitation of \$10,000 on the amount of retired pay received for commissioned officer service when combined with Government civilian salary.

Subsection (b) of section 402 contains provisions repealing all other law, general or specific, not repealed by subsection (a) and inconsistent with the provisions of this legislation.

Subsection (c) retains certain provisions of law regarding Senate employment.

EFFECTIVE DATES

Section 403 established an effective date as the first day of the first first month which begins later than the 90th day following the date of enactment of the bill, except for sections 201(g) and 201(h), which shall become effective upon enactment.

The latter two sections relate to Reserve officers and warrant officers.

Section 404 provides that if any provision of this legislation shall be held invalid, the remaining provisions shall not be affected.

COST

The committee was unable to obtain any specific cost information on the amount of overpayments proposed to be waived by subsections (g) and (h) of section 201 of the bill in the cases of certain Reserve officers and warrant officers. Nor is it possible to estimate any additional cost that might be incurred by removal of the \$10,000 dual-compensation limitation of the act of June 30, 1932, in the case of those few remaining officers who have been exempted specifically from the dual-office restriction of the act of July 31, 1894, but not from such \$10,000 limitation.

The committee believes that the payment of the full amount of compensation for a civilian position does not result in additional cost to the Government by reason of the fact that the occupant happens to be a military retiree, whether Reserve or Regular, or officer or enlisted man.

VIEWS OF THE EXECUTIVE BRANCH AND AGENCY REPORTS

Letter and statement of purpose and justification from the U.S. Civil Service Commission, dated June 15, 1963, and a letter from James E. Webb, Administrator, National Aeronautics and Space Administration, dated January 31, 1964.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., June 25, 1963.

HON. LYNDON B. JOHNSON,
President of the Senate.

DEAR MR. PRESIDENT: The Civil Service Commission is submitting for the consideration of the Congress a draft of a proposed bill to simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes. Also enclosed are a section analysis of the draft proposed bill and a statement of purpose and justification.

Existing statutes on the civilian employment of retired military personnel and the dual employment of civilians are generally agreed to be harmful, obsolete, unfair, confusing, and difficult to administer. They are harmful, because, for example, they deprive the Government of the services of certain highly trained retired military personnel whose technical skills, frequently acquired at Government expense, are in short supply and are needed in Federal agencies. Their obsolete nature is indicated by the fact that one law, enacted in 1894, was intended originally as a limitation on combined pension and salary but now serves to bar absolutely certain retired military personnel from almost all Government employment. The statutes are unfair, confusing, and difficult to administer in that some categories of retired military personnel may not be employed at all; some may be employed subject to a \$10,000 limitation on receipt of combined civilian salary and retired pay; and some may be employed in any agency without any limitation on combined compensation. Further complicating the picture is the fact that it is often difficult to determine into which category an individual falls, leading to many Comptroller General decisions. Another factor is that a few agencies have been granted exceptions to parts of the law and may employ any person retired from the military service.

The Commission also receives many complaints from employee organizations and civil service employees concerning the advantages possessed by retired military personnel in reductions in force. Some of these complaints are received directly; many are received through Congressmen on behalf of the people they represent.

The problems in administering the laws on civilian employment of retired personnel are further reflected in the introduction in the Congress each year of private bills to relieve employees of debts owed to the United States and incurred by overpayment of military retired pay or civilian salary. The overpayments result from understandable errors in the interpretation of the more than 40 separate provisions of law and the 200-plus Comptroller General decisions which seek to interpret this tangle of statutes.

The proposed legislation would accomplish these things: First, it would help the Government to obtain the best qualified people avail-

able to fill certain of its hard-to-fill civilian positions. We can no longer afford to exclude from consideration for employment retired military personnel who have the highly technical knowledges and skills which are in demand. Second, the draft bill would provide fairer treatment of all categories of retired military personnel. Third, the proposed legislation would provide reasonable safeguards so that the employment of retired military personnel would not unfairly hamper career opportunities for present civilian personnel. Fourth, the bill would consolidate and simplify the present numerous and confusing statutes on dual compensation and dual employment.

The problems involved in the employment of retired military personnel and the dual employment of civilians in the Federal service have been frequently studied over the past several years by Congressional committees and individual Members of Congress, the Civil Service Commission, and other interested Federal agencies. These studies have been extremely helpful in clarifying the issues involved. We believe the enclosed proposed draft bill treats these issues in a manner which is fair to all individuals concerned and best serves the public interest.

An almost identical proposal was introduced in the 87th Congress as S. 3780 at the Commission's request but no action was taken thereon. The current proposal differs substantively from S. 3780 in the following respects:

(1) S. 3780 contained an exemption from the bill's provisions for retired military members whose retirement was based on disability "incurred in combat with an enemy of the United States." This exemption has been changed in the current proposal to include those retired members whose disability results "from an injury or disease received in line of duty as a direct result of armed conflict." This change would extend the exemption to those disabled in the kind of cold war conflicts in which American military personnel are now engaged.

(2) Section 103 of S. 3780 contained amendments to the Veterans' Preference Act which would restrict the veterans' preference benefits to which retired military personnel would be entitled. In the current proposal, a provision has been added to these amendments which would preserve veterans' preference for reservists who become eligible for military retirement, at age 60 subsequent to their employment in the Federal service.

(3) The provisions of section 303(c) of S. 3780, which related to deductions under the retired serviceman's family protection plan, have not been included in the current proposal. It has been determined that deletion of these provisions will result in more consistent treatment of persons covered by the bill.

(4) A provision (sec. 102(g)) has been included in the current proposal to grant retroactive legislative relief to a number of retired temporary warrant officers who, under a recent decision of the Comptroller General, have been found to be employed in the Federal service in violation of the restrictions of the Dual Office Holding Act of 1894.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this proposed legislation for the consideration of the Congress.

A similar letter is being sent to the Speaker of the House.
By direction of the Commission.

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

STATEMENT OF PURPOSE AND JUSTIFICATION FOR LEGISLATIVE
PROPOSAL TO SIMPLIFY, MODERNIZE, AND CONSOLIDATE THE LAWS
RELATING TO THE EMPLOYMENT OF CIVILIANS IN MORE THAN ONE
POSITION AND THE LAWS CONCERNING THE CIVILIAN EMPLOYMENT
OF RETIRED MEMBERS OF THE UNIFORMED SERVICES, AND FOR
OTHER PURPOSES

PURPOSE

1. To authorize the employment of retired military personnel, and to permit such personnel to receive full civilian pay but to limit retired pay to the first \$2,000 of such retired pay plus one-half of the remainder, if any. The President would be given the authority to grant exceptions to this limitation on combined compensation if it is determined such exceptions are to be necessary in order to meet special or emergency Government employment needs.
2. To authorize a "fresh start" principle with respect to retired military personnel who accept Federal civilian employment. With the exception of those whose retirement is based on disability as a result of armed conflict, or caused by an instrumentality of war in time of war, and of those whose retired pay is based on less than 6 years of continuous full-time active duty, retired military personnel would not receive veterans' preference nor would their military time count in computing leave, retirement, or reduction-in-force retention credits.
3. To continue the policies of exempting certain military personnel disabled in line of duty from the restrictions on employment of retired military personnel. Those retiring with less than 6 years of continuous active duty would also be exempted.
4. To limit civilian employees in the Federal Government to compensation for one full-time position, unless an exception to this restriction is granted by the Civil Service Commission on the basis of Government employment needs.
5. To make uniform, simplify, and consolidate in one law all statutory provisions relating to the Federal civilian employment of retired military personnel and the dual employment of Federal civilian employees.

JUSTIFICATION

CURRENT SITUATION

There are a considerable number of statutes relating to the dual employment and dual compensation of Federal civilian and retired military personnel. The earliest of these was enacted in 1894; the most recent, in 1961. These statutes are complicated: some are overlapping, some are inconsistent, and a number are no longer realistic in the light of current conditions. Because the basic statutes arbitrarily restrict employment and are out of date, many special exceptions have been sought and granted.

The basic intent of the early dual employment and dual compensation laws was not to prohibit entirely the dual employment of civilian employees or the hiring of retired military personnel. The purpose

was primarily to limit such employment to a reasonable extent - reasonable from the points of view of both the Government and the employee. When the present dollar limits were set many years ago, they represented a reasonable annual income for one person; however, because of the differences between today's salary levels and living costs and those of 60 (or even 20) years ago, the restrictions now serve as a bar rather than a limitation. Thus, the present effect of the basic statutes differs markedly from that originally intended.

A second consequence of the rigid limits in the basic laws has been the enactment, over the years, of legislation to meet one special situation or another. While many of these statutes are identified as exceptions to the basic restrictions, they are not necessarily inconsistent with the original purpose of the Congress, which, as mentioned earlier, was to permit dual employment within reasonable limits. The cumulative effect of these various acts of Congress, however, is a body of law that fails to provide a consistent policy for the employment of Federal civilian personnel in more than one capacity or for the hiring of retired military personnel.

Employment of retired military personnel

The present restrictions on the employment of retired military personnel in civilian positions are inconsistent and inequitable and have no relation to the Government's hiring needs. Various categories of military retirees are exempted from the prohibitions and restrictions. All enlisted men, certain commissioned officers, and some warrant officers retired from military service may now be hired for Federal civilian jobs without restriction on the receipt of retired pay. At present, certain Regular officers and warrant officers retired for age or length of service are the only retirees who cannot hold Federal positions if either their retired pay or the salary of the position is \$2,500 a year or more. Disabled Regular officers whose disability was not incurred in combat or caused by an instrumentality of war in time of war are limited to a maximum combined rate of \$10,000 a year for Federal civilian salary and military retired pay.

Among the retired officers still subject to restrictions are many who possess special skills that are particularly valuable to the Government. Under present law, these skills, often developed at Government expense, are available and attracted to private industry but not to the Federal civil service.

The need for revision of the present restrictions is of long standing and has been widely recognized in both the legislative and executive branches. In his last budget message to the Congress, President Eisenhower included this statement:

"A number of outmoded and inconsistent statutes now regulate the employment and compensation of retired military personnel in civilian positions with the Government. We should replace this legal maze with a single rational statute which would eliminate unnecessary dual payments, adequately safeguard the civilian career service, and permit the Government to hire members of this group possessing needed skills under conditions that are fair to the individual."

The Subcommittee on National Policy Machinery of the Senate Committee on Government Operations in its report of February 28, 1961, on organizing for national security stated:

"An enormous Government investment has been poured into the training and experience of an outstanding retired military officer.

In the present state of national need, this investment cannot be permitted to be thrown away. The dual compensation laws should be reviewed and amended."

Dual employment of civilians

The present restrictions on dual civilian employment also hamper effective Government manpower utilization. The Postmaster General may employ for postal duties, in addition to their regular duties, custodial employees who are under the jurisdiction of the General Services Administration at Federal buildings occupied in any part by the postal service, but he is prohibited from hiring other employees of other agencies for part-time work during the Christmas rush. The Agriculture and Interior Departments cannot hire critically needed and available Federal employees as emergency firefighters. These are avoidable difficulties that should be eliminated.

Problems in administering present laws

Administrative difficulties under the present laws impede efficient Government management. The complexity of the statutes make economy of administration impossible. Agencies encounter continual problems in their efforts to make sure that existing restrictions are observed. The cost involved in attempting to reconcile the various statutes as applied to specific cases is known to be large, even though it cannot be accurately estimated for any given period of time. Numerous decisions of the Comptroller General have been required. Appointing, payroll, certifying, and disbursing officers must be conversant with a large body of highly complicated law.

Injustices to individuals have also occurred because of misinformation and erroneous conceptions of what the law requires. Private bills have been introduced in Congress to relieve cases of unusual hardship that have resulted from such situations.

At the present time, a situation exists where it may be necessary because of recent legal decisions, unless legislative relief is obtained, retroactively to subject approximately 500 retired commissioned Army of the United States officers and an unknown number of retired commissioned Air Force officers to the dual compensation restrictions of section 12 of the Economy Act of 1932. Similarly, under a recent Comptroller General decision, a number of retired temporary warrant officers have been found to be serving in Federal civilian positions in violation of the Dual Office Holding Act of 1894.

Summary

Thus, the current situation is that the dual compensation-dual employment laws are inequitable, are difficult to administer, and prevent the Government from obtaining certain well-qualified personnel for hard-to-fill positions.

PROPOSED LEGISLATION

Employment of retired military personnel

The proposed law would repeal the statutory provisions which, in effect, prohibit certain categories of retired Regular officers from holding a Federal civilian job. The policy, expressed in several statutes, of limiting the amount of combined income from military retirement and civilian pay would be continued but would be modified to establish consistent treatment for all the various categories of retired mili-

tary personnel. Limitations on combined compensation would be reasonable in terms of present salary levels and dollar values.

The proposed law would also establish a "fresh start" principle for retired military personnel employed in Federal civilian jobs. Since persons retiring from the military service have generally realized retirement benefits based on a military career, it seems desirable and equitable for them to start Federal civilian careers on the same basis as others who are also entering the civil service for the first time. Therefore, the bill would (a) require that their prior military service not be counted in computing length of service for reduction-in-force, leave, and retirement purposes, and (b) withhold veterans' preference. The purpose of the Veterans' Preference Act of 1944 was primarily to provide preference for civil service employment to those veterans who had interrupted their regular civilian careers to enter military service during time of war.

The proposed law would continue the principle of treating separately those retired military personnel whose retirement was based on disability resulting from an injury or disease received in line of duty as a direct result of armed conflict, or caused by an instrumentality of war and incurred in line of duty during a period of war. Such persons would not be subject to the limitations on combined compensation, would continue to receive veterans' preference, and would continue to receive credit for length of military service in computation of retention credits for reduction-in-force purposes. Similar treatment would be accorded retired military personnel who retire with less than 6 years of continuous full-time active duty. Such persons are typically (1) those whose military careers were cut short because of physical disability, or (2) those who were in the military service during a time of emergency and who continued to participate in the reserve program after they returned to civilian life.

In view of the fact that there are certain occupations for which it is difficult to obtain well-qualified personnel, the proposed law would give the President authority to grant exceptions to the above-mentioned limitations on combined compensation. Exceptions could also be granted to meet emergency situations.

Those retired military personnel who are already employed in the Federal service would retain their present rights with regard to veterans' preference and credit for military service. They could elect either to remain subject to the present limitations on compensation or to come under the provisions of the proposed law.

The bill would also provide relief to a large number of retired commissioned and warrant officers holding temporary appointments in the Army and Air Force of the United States who are faced with the possibility of returning to the Government overpayments of military retired pay or civilian salary required by recent decisions that such retired members should have been considered subject to the restrictions (1) prescribed by section 212 of the Economy Act of 1932, in the case of the retired commissioned officers, and (2) prescribed in the act of July 31, 1894, in the case of the retired warrant officers.

It is recognized that there are some controversial issues involved in the employment of retired military personnel in Federal civilian positions. Some people maintain that a retired military person has earned his military retirement pay as a result of his military service; therefore, if he is employed by the Government in a civilian capacity

he is entitled to both his full military retirement pay and the regular civilian pay for the position. Others believe that no person should receive retired pay and regular pay from a single employer at the same time. The proposed bill represents what seems to be a reasonable middle ground between these two points of view, by providing that \$2,000 of the retired pay, the approximate average non-disability retired pay received by enlisted personnel, plus $\frac{1}{2}$ of the remainder may be paid along with the regular pay for the civilian position.

This restriction on combined compensation would apply to most retired military personnel, including a number of categories to which no such restrictions now apply, but not to those whose retirement is based on disability resulting from armed conflict, or caused by an instrumentality of war in time of war, or to those whose retired pay is based on less than 6 years of continuous full-time active duty.

Some people also maintain that retired military personnel have an unfair advantage over other civilian employees in a reduction in force by reason of veterans' preference eligibility and credit for years of military service. This advantage had been eliminated by the "fresh start" principle explained above.

Dual employment of civilians

Those portions of the bill which deal with employment of civilian employees in more than one position may be less controversial but are no less important. The proposed law would limit civilian employees to one full-time job; part-time employees would be limited to a combination of part-time positions equaling one full-time position. The Commission would be authorized to grant exceptions to these restrictions when the Government could not otherwise readily obtain the needed services. This authority to grant exceptions would be used to meet situations of the kind which now have to be expected by statute. An example is the exception, granted by law, which permits District of Columbia teachers to accept additional compensation for services rendered in connection with the operation of night schools in the public schools of the District of Columbia.

Summary

In summary, the proposed legislation would make an important source of skilled manpower available to the Government, would eliminate inequities in the treatment of retired military personnel, and would provide a single modern statute in place of a collection of overlapping and outdated laws.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., January 31, 1964.

HON. RALPH W. YARBOROUGH,
Chairman, Subcommittee on Civil Service,
Committee on Post Office and Civil Service,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to the hearings conducted by the Subcommittee on Civil Service of the Senate Committee on Post Office and Civil Service on December 12, 1963, on dual compensation, S. 1912, and including consideration of the form of

the dual compensation bill, H.R. 7381, as it now appears on the calendar of the House of Representatives.

The National Aeronautics and Space Administration favors the proposed legislation in order (1) to permit the Government to capitalize on certain skills, competence, and experience in the areas of aerospace science and technology possessed by a sizable group of military personnel who have completed their active duty careers and (2) to correct certain inequities in the present statutes pertaining to the employment of these personnel by the Government.

Many of the abilities and skills and much of the knowledge valuable to NASA are possessed by certain military personnel who have been closely associated with missile and military space programs and aeronautics. Collectively, this body of men, educated and skilled in aerospace science and technology, represents a reservoir of knowledge and experience which constitutes a national asset of inestimable value. Unless a substantial portion of this group of specialists can be attracted to remain in the Government, this asset will not be available directly to the Government's space program.

As of December 1, 1963, 254 active duty military officers were detailed to NASA from the Department of Defense for a 2- to 3-year tour of duty. Attached is a list of those officers.

The officers are primarily engineers, physical scientists, and administrative specialists whose backgrounds are directly pertinent to NASA's work. Of the 254 officers, 43 are of senior rank, and are performing key technical or management assignments. The senior grade officers in particular represent the type of personnel NASA desires to employ because of their specialized education and experience. The number of personnel so employed would be probably fewer than 50 in a fiscal year; however, each selection would represent the utilization of the very specialized talent and would significantly benefit the national space program.

The NASA has under its basic act, authority to employ retired military personnel without regard to the Dual Office Act of 1894. A similar exemption would be provided on a Government-wide basis by S. 1912 and H.R. 7381 as carried on the calendar in the House. In view of the fact that the dual office restriction does not now apply to the employment of retired military personnel by the NASA, this report addresses itself only to the dual compensation restrictions applicable to such employment under section 212 of the Economy Act of 1932.

The preferential treatment accorded most retired Reserve officers as compared to most retired Regulars under the current dual compensation law is felt within NASA. To permit one to accept his retirement pay and not the other is unfair. There appears to be no valid reason for this distinction.

It is understood that Mr. J. Macy, Chairman of the Civil Service Commission, recommended at the hearing on December 12, 1963, that the amount of retirement pay to be retained by retired officers in Government positions be raised from the first \$2,000 of such pay plus one-half of the remainder, as presently stated in section 102(a) of S. 1912, to the first \$2,500 of such pay plus one-half of the remainder. The National Aeronautics and Space Administration endorses this recommendation.

NASA needs technical personnel highly trained and experienced in the space sciences and engineering. Retired officers meeting these

criteria would be qualified to fill vacancies in NASA carrying salaries well above the level at which retirement pay is forfeited under the existing dual compensation law. Under these circumstances, NASA as a rule cannot successfully compete with industry for the services of these technically competent and experienced people.

The following cases are cited as typical of the problems being faced by NASA in attempting to fill key positions by employing retired military personnel competent and experienced in the aerospace field:

(1) A few months ago, a colonel retired from the U.S. Air Force after 23 years of military service including program management, commander of the test wing at Cape Kennedy during the critical Thor-Atlas period, and test commander at the Special Weapons Center. He was offered \$20,000 as an Assistant Director of NASA's Manned Spacecraft Center in Houston. He declined in favor of a \$27,000 position with Space Technology Laboratories in which position he would still be able to draw his \$7,000 military retirement pay. Dr. Walter Williams, who was then our Deputy Director at Houston and is now here at headquarters, believes the colonel would have accepted the NASA position if he could have retained his retirement pay.

(2) Recently a Navy captain, who was on duty at NASA's Manned Spacecraft Center in Houston as a branch chief, and who had served previously as range operations officer at Point Mugu, Calif., and in space surveillance at Dahlgren, Va., retired from the Navy. His experience was appropriate to work in the development of our Apollo tracking network, including coordination with the Jet Propulsion Laboratory, the Goddard Space Flight Center, and military tracking systems. Prior to retirement, he indicated an interest in a position with NASA. However, he accepted a position with private industry because NASA was unable to give him a position at the \$18,000 to \$20,000 level, which would have compensated in some measure for the loss of his retirement pay.

(3) A recently retired Navy captain, whose final year of active duty was served on detail at NASA headquarters as a division director, has accepted a most important NASA position as Director of Manned Space Flight Field Center Development, in anticipation of relief from the limitations imposed by the present dual compensation law. Were it not for the present law, he would be eligible to receive more than \$6,000 retirement pay. With his qualifications, his services have been and continue to be sought by industry at a high level salary. While he would like to continue in the NASA program, he feels that he cannot afford to accept the financial penalty indefinitely.

(4) Similarly, a senior Army colonel who has been serving as program manager for the Saturn I/IB programs at the George C. Marshall Space Flight Center, Huntsville, Ala., has retired and has accepted civilian employment with NASA in anticipation of passage of this legislation.

(5) A Navy captain with over 30 years of service and extensive management experience in rocket testing and aerospace sciences is currently manager of the NASA Mississippi test operations, Gainesville, Miss. He faces statutory retirement in 1964. He doubts whether he can accept the penalty of forfeiting over \$9,500 retirement pay for civilian employment with NASA, although he has expressed a strong desire to remain with the NASA program.

(6) A U.S. Air Force colonel who is currently occupying a key position at our George C. Marshall Space Flight Center at Huntsville, Ala., is an additional example of a highly qualified officer who would like to continue in the NASA program if the financial penalty is removed.

(7) NASA has in its employ at the present time several senior retired Regular military personnel. One is on the Deputy Associate Administrator level, which is the highest level of general executives within the agency. These officers have served in industry at much higher combined industry and military retirement pay than they are presently receiving at NASA. Like many civilian personnel in the higher executive brackets, they are willing to forgo, for a while at least, the attraction of the higher salary of industry in exchange for the experience and the personal satisfaction of participating firsthand in the Nation's space program. However, NASA can expect to lose the services of some of these men after a period of time, if they must continue to forfeit all or most of their retirement pay. This financial penalty in some cases approaches one-half to two-thirds of their salaries at NASA.

Much of the specialized knowledge and managerial experience which are required by NASA are possessed only by military personnel who have been closely associated for an extended period with missile and military space programs. There is an urgent need within NASA to draw on this source of experienced talent to fill some of the higher bracket executive positions which NASA has been unable to fill from other sources. In fact, NASA has recently addressed requests to the U.S. Air Force for the temporary assignment to NASA of two active duty officers at the brigadier general/colonel level to fill managerial positions in the manned space flight program. It is expected that it will be necessary in the near future to request three more active duty officers of these ranks, experienced in program management.

At the time that the hearings on H.R. 7381 were being held, letters from the three NASA Center Directors most heavily involved in the manned space flight program, expressing their strong interest in the provisions of the legislation as a means of assisting them in meeting their key personnel problems were made a part of the official record. Copies of these letters are attached.

In the light of all of the foregoing discussion, the National Aeronautics and Space Administration recommends that S. 1912 be enacted.

The Bureau of the Budget has advised that there is no objection from the standpoint of the administration's program, to the presentation of the report for the consideration of the committee.

Sincerely yours,

JAMES E. WEBB, *Administrator.*

Other junior grade military detailees occupying positions within NASA

Installation	Army ranks or equivalents				
	2d lieutenant	1st lieutenant	Captain	Major	Totals
Headquarters.....			2	5	7
Ames Research Center.....	6	7			13
Flight Research Center.....	1	1	2		4
Goddard Space Flight Center.....	10	4		1	15
Jet Propulsion Laboratory.....	13	7			20
Langley Research Center.....	28	3		1	32
Launch Operations Center.....				2	2
Marshall Space Flight Center.....	11	17	4	6	38
Wallops Station.....	1	1			2
Manned Spacecraft Center.....	7	3	13	13	36
Lewis Research Center.....	17	23	1	1	42
Total.....	94	66	22	29	211

Roster of senior grade (lieutenant colonel and above) military detailees occupying positions with NASA

Name Headquarters	Years of service	Grade	Service	Position title	Reason background was appropriate for NASA work
Bathurst, Raymond J.	21	Lieutenant colonel	USAF	Program resources specialist, Office of Manned Space Flight.	M.B.A., management of R. & D.; 10 years' experience in R. & D. programming.
Berry, Robert L.	26	do	USAF	Program management assistant, Office of Manned Space Flight.	5 years' experience in R. & D. facility engineering and planning.
Chellin, Norman D.	18	Commander	USN	Marine transportation specialist, Office of Administration.	M.B.A.; 5 years' experience in marine transportation.
Cox, Sidney S.	18	do	USN	Technical management specialist, Office of Advanced Research and Technology.	M.S., aeronautics and space science; 18 years' experience in aeronautics and weapons engineering.
Dougherty, John J.	18	do	USN	Assistant Director, Communications Systems, Office of Space Sciences and Applications.	M.S., engineering, electronics; 18 years' experience in industrial electronics engineering.
Haley, Richard L.	18	Lieutenant colonel	USAF	Staff engineer, Office of Space Sciences and Applications.	Ph.D., electrical engineering; 18 years' engineering experience.
Holcomb, John K.	20	Captain	USN	Assistant Director, Launch Operations, Office of Manned Space Flight.	M.S., aeronautics and space science; 20 years' experience in aeronautical and weapons engineering.
Hull, Harris B.	21	Brigadier general	USAF	Assistant to Assistant Administrator for Technology Utilization and Policy Planning.	Extensive experience in news media.
Kelly, Albert J.	18	Com-mander	USN	Director of Electronics and Control, Office of Advanced Research and Technology.	Ph.D., aeronautics and space science; 18 years' experience in aeronautical and weapons engineering.
Kahao, Martin J.B.	22	Captain	USN	Special assistant, Office of Manned Space Flight.	M.A., business administration.
Kier, Kenneth J.	21	Com-mander	USN	Chief, Secretariat Services Branch, Office of the Administrator.	
Loeffler, Harry H.	20	Captain	USN	Director, Special Operations, Office of Construction.	
Powers, John A.	19	Lieutenant colonel	USAF	Technical assistant to Director, Office of Special Services.	M.S. in civil engineering with 20 years' related experience.
Friedland, Rueben B.	17	Com-mander	USN	Chief, Flight Crew Operations, Office of Manned Space Flight.	18 years' experience in public information.
Regis, Edward R.	21	Lieutenant colonel	USAF	Technical assistant to Director of Biotechnology and Human Research, Office of Advanced Research and Technology.	M.S., engineering; 16 years' experience in weapons engineering.
Scherer, Lee R.	20	Captain	USN	Program officer, Surveyor program, Office of Space Sciences and Applications.	5 years' experience in aerospace medicine from R. & D. standpoint. Not an M.D.
Solohub, Vincent J.	26	Colonel	USA	Deputy Director, Office of Construction.	M.S., aeronautics and space science; 20 years' experience in aeronautical and weapons engineering.
Smith, Ray F.	21	Com-mander	USN	Long-range plans officer, Office of Manned Space Flight.	M.S., civil engineering; 26 years' experience in civil engineering.
Van Ness, Harper E.	21	Captain	USN	Assistant Director for Space Flight Operations, Office of Manned Space Flight.	M.S., E.E.
Voris, Frank B.	27	do	USN	Chief, Human Research, Office of Advanced Research and Technology.	M.S., aeronautics and space science; 21 years' experience in aeronautical and weapons engineering.
Warren, Robert E.	28	Colonel	USA	Assistant Director, Communications Systems, Office of Space Sciences and Applications.	M.D., naval aviator; experience in aviation medicine and biological sciences.
Wise, Henry G.	21	Lieutenant colonel	USAF	Branch Chief, Mercury, Gemini, and Apollo programs, Office of Manned Space Flight.	Ph.D., physics.
					M.S., psychology; 10 years' experience in research and development.

Young, Robert P.	Colonel	USA	Executive officer to Administrator.	M.S., civil engineering; extensive experience as staff officer.
AMES RESEARCH CENTER				
Fugitt, Charles H.	Commander	USN	AST, life sciences program management, Office of Assistant Director for Life Sciences.	Ph. D., biophysics; B.S., physical chemistry; 13 years' experience in research and development activities.
GEORGE C. MARSHALL SPACE FLIGHT CENTER				
Brouns, Robert C.	Lieutenant colonel	USAF	AST, technical management.	M.S., aeronautical engineering; 10 years' experience in research and development.
Fellows, Walter S.	Colonel	USAF	AST, launch vehicle project management.	10 years' experience in research and development; 3 years prior to NASA with Aircraft Nuclear Propulsion Office and Atomic Energy Commission.
Fortune, William C.	Captain	USN	Manager, Mississippi test operations, Gainesville, Miss.	M.S., aeronautics and space science; 30 years' experience in aeronautical and weapons engineering.
James, Lee B.	Colonel	USA	AST, launch vehicle project management.	Extensive experience in R. & D. management with Army Ballistic Missile Agency.
Kessler, Robert R.	do	USA	do	M.S., electrical engineering; 24 years' experience in research and development.
Palmer, Charles R.	Lieutenant colonel	USA	AST, experimental facilities and equipment.	Extensive experience in R. & D. facility engineering including 1 year as liaison officer with NASA.
LAUNCH OPERATIONS CENTER				
Bagnulo, Aldo H.	Colonel	USA	do	M.S., civil engineering with 25 years' related experience.
Clark, Raymond L.	Lieutenant colonel	USA	AST, technical management.	Jupiter and Redstone project officer at Atlantic Missile Range prior to NASA. Experience in range operations.
Hicks, Ralph E.	do	USAF	AST, flight range coordination, project officer, NASA Test Support Office.	B.S., E.E.; 10 years' experience in R. & D. Director of Advanced Weapons Systems at Headquarters, U.S. Air Force.
Petrone, Rocco A.	do	USA	AST, launch operations project management.	Specialized experience in Redstone range management.
MANNED SPACECRAFT CENTER				
Brady, Aubrey L.	do	USAF	AST, radiology and radiation biology, Crew Systems Division.	B.S., engineering, management of R. & D.; 10 years' experience with Armed Forces Special Weapons Command.
Glenn, John H.	do	USMC	Astronaut.	M.D.; extensive experience in aerospace medicine and bioastronautics with Air Force Systems Command.
Hessburg, Rufus R.	Colonel	USAF	Special assistant to Chief, Crew Systems Division, for Medical Programs.	M.D., experienced in aviation medicine.
Gordon, John J.	Commander	USN	Flight surgeon, aerospace medical operations.	M.D., extensive experience in aerospace medicine and aviation medicine.
Morris, David P.	do	USN	Head, Medical Operations Sections, Crew Systems Division, with duty station, Cape Kennedy, Fla.	
Schirra, Walter M., Jr.	do	USN	Astronaut.	
Shepard, Alan B.	do	USN	do	
Wakeland, William B.	Captain	USN	AST, technical management, Gemini project, Engineering Branch.	M.S., E.E., 20 years' experience in weapons engineering.
White, Arthur B.	Lieutenant colonel	USAF	Aerospace engineer, crew safety systems.	B.S., E.E., 10 years' R. & D. safety experience.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS
REPORTED

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law in which no change is proposed is shown in roman, existing law proposed to be omitted is enclosed in brackets, and new matter is printed in italic):

SECTION 12 OF THE VETERANS' PREFERENCE ACT OF 1944
(5 U.S.C. 861)

SEC. 12. (a) In any reduction in personnel in any civilian service of any Federal agency, competing employees shall be released in accordance with Civil Service Commission regulations which shall give due effect to tenure of employment, military preference (*subject to subsection (b) of this section*), length of service, and efficiency ratings: *Provided*, That, *subject to subsection (c) of this section*, the length of time spent in active service in the armed forces of the United States of each such employee shall be credited in computing length of total service: *Provided further*, That preference employees whose efficiency ratings are "good" or better shall be retained in preference to all other competing employees and that preference employees whose efficiency ratings are below "good" shall be retained in preference to competing nonpreference employees who have equal or lower efficiency ratings: *And provided further*, That when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or agencies, all preference employees in the function or functions transferred or in the agency which is replaced by some other agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions.

(b) *Notwithstanding any other provision of this Act, an employee who is a retired member of any of the uniformed services included under section 2 of this Act shall be considered a preference employee for the purposes of subsection (a) of this section only if--*

(1) *his retirement was based on disability (A) resulting from injury or disease received in line of duty as a direct result of armed conflict or (B) caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in sections 101 and 301 of title 38, United States Code); or*

(2) *his service does not include twenty or more years of full-time active service (regardless of when performed but not including periods of active duty for training); or*

(3) *immediately prior to the effective date of this subsection, he was employed in a civilian office to which this Act applies and, on and after such date, he continues to be employed in any such office without a break in service of more than thirty days.*

(c) *In computing length of total service, an employee who is a retired member of any of the uniformed services shall be given credit for--*

(1) *the length of time in active service in the armed forces during any war, or in any campaign or expedition (for which a campaign badge has been authorized); or*

(2) if he is included under clause (1), (2), or (3) of subsection (b) of this section, the total length of time in active service in the armed forces.

**SECTION 203(a) OF THE ANNUAL AND SICK LEAVE ACT OF
1951 (5 U.S.C. 2062(a))**

ANNUAL LEAVE

SEC. 203. (a) Officers and employees to whom this title applies shall be entitled to annual leave with pay which shall accrue as follows—

- (1) one-half day for each full biweekly pay period in the case of officers and employees with less than three years of service,
- (2) three-fourths day for each full biweekly pay period (except that the accrual for the last full biweekly pay period in the year shall be one and one-fourth days) in the case of officers and employees with three but less than fifteen years of service, and
- (3) one day for each full biweekly pay period in the case of officers and employees with fifteen years or more of service.

Except as otherwise provided in this subsection, in [In] determining years of service for the purposes of this subsection, there shall be included all service creditable under the provisions of section [5] 3 of the Civil Service Retirement Act [of May 29, 1930, as amended,] for the purposes of an annuity under such Act and the determination of the period of service rendered may be made upon the basis of an affidavit of the employee. Active military service of a retired member of any of the uniformed services is not creditable in determining years of service for the purpose of this subsection unless—

- (1) his retirement was based on disability (A) resulting from injury or disease received in line of duty as a direct result of armed conflict or (B) caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in sections 101 and 301 of title 38, United States Code); or*
- (2) immediately prior to the effective date of this sentence, he was employed in a civilian office to which this Act applies and, on and after such date, he continued to be employed in any such office without a break in service of more than thirty days; or*
- (3) such service was performed in the armed forces during any war, or in any campaign or expedition (for which a campaign badge has been authorized). In the case of an officer or employee who is not paid on the basis of biweekly pay periods, the leave provided by this title shall accrue on the same basis as it would accrue in such officer or employee were paid on the basis of biweekly pay periods.*

**SECTION 18 OF THE ACT OF DECEMBER 20, 1944, AS ADDED
BY SECTION 2 OF THE ACT OF AUGUST 19, 1950 (64 STAT.
466; D.C. CODE, SEC. 2-1226)**

SEC. 18. Notwithstanding the limitation of any other law or regulation to the contrary, any person heretofore or hereafter appointed as a member of the Commission may receive the compensation authorized by this Act to be paid to such member, as well as any retired pay, retirement compensation, or annuity to which such member may be entitled on account of previous service rendered to the United States or District of Columbia governments, *subject to section 201 of the Dual Compensation Act of 1963.*

**SECOND PARAGRAPH OF SECTION 2 OF THE ACT OF AUGUST
11, 1950 (64 STAT. 438; D.C. CODE, SEC. 6-1202)**

Notwithstanding the limitation of any law, there may be employed in such Office of Civil Defense any person who has been retired from any of the [Armed Forces] *uniformed services* of the United States or any office or position in the Federal or District governments, and *except as hereinafter provided*, while so employed in such Office of Civil Defense any such retired person may receive the compensation authorized for such employment or the [retired pay,] retirement compensation [.] or annuity, whichever he may elect, and upon the termination of [his employment in such Office of Civil Defense,] *such employment*, he shall be restored to the same status as a retired officer or employee with the same [retired pay,] retirement compensation [.] or annuity to which he was entitled before having been employed in such Office of Civil Defense. *While any person who has been retired from any of the uniformed services of the United States is so employed in such Office of Civil Defense, he may receive the compensation authorized for such employment and his retired or retirement pay, subject to section 201 of the Dual Compensation Act of 1963.*

**SECTION 13(b) OF THE PEACE CORPS ACT (75 STAT. 619;
22 U.S.C. 2512(b))**

EXPERTS AND CONSULTANTS

SEC. 13. (a) * * *

(b) Service of an individual as a member of the Council authorized to be established by section 12 of this Act or as an expert or consultant under subsection (a) of this section shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, or 284 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of service, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation in respect of any particular matter in which such

individual was directly involved in the performance of such service; nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act, as amended (5 U.S.C. 2263), [section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a),] section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, *subject to section 201 of the Dual Compensation Act of 1963.*

SECTION 44 OF THE ARMS CONTROL AND DISARMAMENT ACT (75 STAT. 636; 22 U.S.C. 2584)

CONFLICT OF INTEREST AND DUAL COMPENSATION LAWS

SEC. 44. The members of the General Advisory Committee created by section 26 of this Act, and the members of the advisory boards, the consultants, and the individuals of outstanding ability employed without compensation, all of which are provided in section 41 of this Act, may serve as such without regard to the provisions of section 281, 283, 284, or 1914 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation from a source other than a nonprofit educational institution in respect of any particular matter in which the Agency is directly interested. Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act (5 U.S.C. 2263), [section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a),] or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, *subject to section 201 of the Dual Compensation Act of 1963.*

SECTION 626(b) OF PART III OF THE ACT APPROVED SEPTEMBER 4, 1961 (75 STAT. 451; 22 U.S.C. 2386(b))

SEC. 626. EXPERTS, CONSULTANTS, AND RETIRED OFFICERS.—(a)
* * *

(b) Service of an individual as an expert or consultant under subsection (a) of this section shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, or 284 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding,

or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation in respect of any particular matter in which such individual was directly involved in the performance of such service. Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act, as amended (5 U.S.C. 2263), [section 212 of Public Law 72-212, as amended (5 U.S.C. 59a),] section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, *subject to section 201 of the Dual Compensation Act of 1968.*

SECTION 28 OF THE ATOMIC ENERGY ACT OF 1954
(68 STAT. 926; 42 U.S.C. 2038)

SEC. 28. APPOINTMENT OF ARMY, NAVY, OR AIR FORCE OFFICERS. -- Notwithstanding the provisions of any other law, any active officer of the Army, Navy, or Air Force may serve as Director of the Division of Military Application without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive in addition to his pay and allowances, including special and incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation prescribed in section 25. Notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Military Liaison Committee without prejudice to his active or retired status as such officer. [Any such officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, or in addition to his retired pay, an amount equal to the difference between such pay and allowances, including special and incentive pays, or between his retired pay, and the compensation prescribed for the Chairman of the Military Liaison Committee.] *Any such active officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation fixed for such Chairman. Any such retired officer serving as Chairman of the Military Liaison Committee shall receive the compensation fixed for such Chairman and his retired pay, subject to section 201 of the Dual Compensation Act of 1968.*

DUAL EMPLOYMENT AND DUAL COMPENSATION

SECTION 204(d) OF THE NATIONAL AERONAUTICS AND
SPACE ACT OF 1958 (72 STAT. 432; 42 U.S.C. 2474(d))

CIVILIAN-MILITARY LIAISON COMMITTEE

SEC. 204. (a) * * *

* * * * *

(d) Notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Liaison Committee without prejudice to his active or retired status as such officer. [The compensation received by any such officer for his service as Chairman of the Liaison Committee shall be equal to the amount (if any) by which the compensation fixed by subsection (a)(1) for such Chairman exceed his pay and allowances (including special and incentive pays) as an active officer, or his retired pay.] *Any such active officer serving as Chairman of the Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation fixed by subsection (a)(1) for such Chairman. Any such retired officer serving as Chairman of the Liaison Committee shall receive the compensation fixed by subsection (a)(1) for such Chairman and his retired pay, subject to section 201 of the Dual Compensation Act of 1963.*

SECTION 3(b)(1) OF THE ACT OF AUGUST 28, 1958 (72 STAT.
1091; PUBLIC LAW 85-850)

SEC. 3. (a) * * *

(b) The Commission shall be composed of eleven members appointed by the President as follows:

(1) One member, who shall serve as Chairman, and who shall be a resident from the area comprising the Savannah, Altamaha, Saint Marys, Apalachicola-Chattahoochee, and Perdido-Escambia River Basins (and intervening areas) embraced within the States referred to in the first section of this Act and who shall not, during the period of his service on the Commission, hold any other position as an officer or employee of the United States, except that a retired military officer or a retired Federal civilian officer or employee may be appointed under this Act without prejudice to his retired [status, and he shall receive compensation as authorized herein in addition to his retired pay or annuity, but the sum of his retired pay or annuity and such compensation as may be payable hereunder shall not exceed \$12,000 in any one calendar year;] status. *A retired Federal civilian officer or employee appointed under this Act shall receive compensation as authorized herein in addition to his annuity, but the sum of his annuity and such compensation as may be payable hereunder shall not exceed \$12,000 in any one calendar year. A retired military officer appointed under this Act shall receive compensation, as authorized herein and his retired pay, subject to section 201 of the Dual Compensation Act of 1963;*

**SECTION 9 OF THE ACT OF OCTOBER 6, 1917 (40 STAT. 384;
D.C. CODE, SEC. 31-631)**

Sec. 9. [That section six of the legislative, executive, and judicial appropriation Act, approved May tenth, nineteen hundred and sixteen as amended by the naval appropriation Act, approved August twenty-ninth, nineteen hundred and sixteen.] *Section 301 of the Dual Compensation Act of 1963 shall not apply to teachers in the public schools of the District of Columbia who are also employed as teachers of night schools and vacation schools.*

**SECTION 6 OF THE ACT OF MARCH 3, 1925 (43 STAT. 1108),
AS AMENDED BY THE ACT OF JANUARY 27, 1926 (44 STAT.
2; 2 U.S.C. 162; 5 U.S.C. 60)**

Sec. 6. Employees of the Library of Congress who perform special functions for the performance of which funds have been entrusted to the board or the librarian, or in connection with cooperatives undertakings in which the Library of Congress is engaged, shall not be subject to the proviso contained in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in Thirty-ninth Statutes at Large, at page 1106; [nor shall any additional compensation so paid to such employees be construed as a double salary under the provisions of section 6 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917 as amended (Thirty-ninth Statutes at Large, page 582)] *and section 301 of the Dual Compensation Act of 1963 shall not apply to any additional compensation so paid to such employees.*

ACT OF JULY 1, 1942 (56 STAT. 467; D.C. CODE, SEC. 31-631a)

AN ACT To exempt custodial employees of the District of Columbia Board of Education from the operation of the provisions of section 6 of the Legislative, Executive, and Judicial Appropriation Act approved May 10, 1916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That section 6 of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917", approved May 10, 1916 (39th Stat. 120), and Acts amendatory thereto.] That section 301 of the Dual Compensation Act of 1963 shall not apply to the custodial employees who are in the employ of the Board of Education of the District of Columbia when such employees are performing work required of them in school buildings during the time these buildings are used for nonrecreational official purposes by any Federal agency or department of the District of Columbia government other than the Board of Education, in accordance with the rules of the Board of Education governing the use of school buildings and grounds, including their use for day or evening schools; and nothing therein contained shall be deemed to prevent any custodial employee from receiving in addition to his pay,

salary, or compensation as an employee of the Board of Education of the District of Columbia any other pay, salary, or compensation at a rate not in excess of the rate of pay received as an employee of the Board of Education, for services which may have been rendered subsequent to May 31, 1941, or which may hereafter be rendered to any Federal agency or department of the District of Columbia government other than the Board of Education, during its use of school buildings under the jurisdiction of the Board of Education of the District of Columbia.

SECTION 2 OF THE ACT OF JULY 22, 1947 (61 STAT. 400, 74 STAT. 11; 33 U.S.C. 873)

SEC. 2. The Secretary of Commerce is hereby authorized to pay extra compensation to members of crews of vessels when assigned duties as instrument observer or recorder, and to employees of other Federal agencies while observing tides or currents, or tending seismographs or magnetographs, at such rates as may be specified from time to time by him *and without regard to section 301 of the Dual Compensation Act of 1963.*

SECTION 3 OF THE ACT OF JUNE 2, 1948, AS AMENDED (62 STAT. 286, 74 STAT. 11; 15 U.S.C. 327)

SEC. 3. The Secretary of Commerce is hereby authorized to (a) appoint employees for the conduct of meteorological investigations in the Arctic region without regard to the civil service laws and fix their compensation without regard to the Classification Act of 1949, as amended (5 U.S.C. 1071 and the following), and titles II and III of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 911 and the following), at base rates not to exceed the maximum scheduled rate for GS-12, and (b) grant extra compensation to employees of other Government agencies for taking and transmitting meteorological observations *without regard to section 301 of the Dual Compensation Act of 1963.*

SECTION 10(b) OF THE DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PERSONNEL PRACTICES ACT (73 STAT. 217; 5 U.S.C. 2358(b))

APPLICABILITY OF CERTAIN EXISTING LAW

SEC. 10. (a) * * *

(b) In the case of any teacher who

(1) is performing services as a teacher at the close of a school year.

(2) agrees in writing to serve as a teacher for the next school year, and

(3) is employed in another position in the recess period immediately preceding such next school year, or, during such recess period, receives quarters, allowances, or additional compensation referred to in sections 7 and 8 of this Act; or both, as the case may be,

section [2 of the Act of July 31, 1894 (5 U.S.C. 62), relative to the holding of more than one office, section 6 of the Act of May 10, 1916 (5 U.S.C. 58 and 59), relative to double salaries, and any other law relating to the receipt of more than one salary or the holding of more than one office] *301 of the Dual Compensation Act of 1963* shall not apply to such teacher by reason of any such employment during a recess period or any such receipt of quarters, allowances, or additional compensation, or both, as the case may be.

* * * * *

**SECTION 102 OF CHAPTER 7 OF TITLE 2, CANAL ZONE CODE
(76A STAT. 15)**

§ 102. Exemption of teachers with respect to dual offices and double salaries

[Section 2 of the Legislative, Executive, and Judicial Appropriation Act, approved July 31, 1894, as amended (28 Stat. 205; 5 U.S.C., sec. 62), and section 6 of the Legislative, Executive, and Judicial Appropriation Act, approved May 10, 1916, as amended (39 Stat. 120; 5 U.S.C., sec. 58), do] *Section 301 of the Dual Compensation Act of 1963* does not apply to teachers in the public schools of the Canal Zone who are also employed in night schools or in vacation schools or programs.

SECTION 23(b) OF TITLE 13, UNITED STATES CODE

§ 23. Additional officers and employees

(a) * * *

(b) In addition to employees of the Department of Commerce, employees of other departments and independent offices of the Government may, with the consent of the head of the respective department or office, be employed and compensated for field work in connection with the work provided for by law *without regard to section 301 of the Dual Compensation Act of 1963.*

**SUBSECTIONS (a) AND (c) OF SECTION 3335 OF TITLE 39,
UNITED STATES CODE**

§ 3335. Dual employment and extra duties

(a) The Postmaster General may appoint an employee to more than one position and he shall pay compensation at the rate provided by law for each position, without regard to the provisions of [sections 58, 62, 69, and 70 of title 5] *sections 69 and 70 of title 5 and section 301 of the Dual Compensation Act of 1963.*

* * * * *

(c) The Postmaster General, with the consent of the Administrator of General Services, may appoint custodial employees working under the jurisdiction of the General Services Administration at Federal buildings occupied in part by the Postal Service to positions in the Postal Service to perform postal duties in addition to their regular

duties as custodial employees, and he shall pay compensation to them at the rate provided by law without regard to [sections 58, 62, 69, and 70 of title 5] *sections 69 and 70 of title 5 and section 301 of the Dual Compensation Act of 1963.*

SECTION 1763 OF THE REVISED STATUTES (5 U.S.C. 58)

[SEC. 1763. No person who holds an office, the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars, shall receive compensation for discharging the duties of any other office, unless expressly authorized by law.]

SECTION 2074 OF THE REVISED STATUTES (25 U.S.C. 50)

[SEC. 2074. No person shall hold more than one office at the same time under this Title, nor shall any agent, sub-agent, interpreter, or person employed under this Title, receive his salary while absent from his agency or employment, without leave of the superintendent, or Secretary of the Interior; but such absence shall at no time exceed sixty days.]

ACT OF JULY 27, 1882 (22 STAT. 176)

[AN ACT To authorize the preparation and publication of a classified, analytical, and descriptive catalogue of all government publications from July fourth, seventeen hundred and seventy-six, to March fourth, eighteen hundred and eighty-one.

[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be prepared and published, under the direction of the Joint Committee on Printing, a classified, analytical, and descriptive catalogue of all publications made by the authority of the Government of the United States and the preceding government of the Colonies, and all departments, bureaus, and offices thereof, from July fourth, seventeen hundred and seventy-six, to March fourth, eighteen hundred and eighty-one; and upon the request of the said joint committee, the officers of the Senate and House of Representatives, and the heads of all the executive departments and of all the bureaus and offices thereof, shall furnish to said joint committee all such information and assistance in reference to said publications as will facilitate or assist in the completion of said work; and the sum of ten thousand dollars is hereby appropriated for the purposes of this act which sum may be expended as additional pay or compensation to any officer or employé of the United States.]

**THE SENTENCE IN THE ACT OF FEBRUARY 25, 1885
(23 STAT. 329)**

[And hereafter no consul or consul-general shall be entitled to or allowed any part of any salary appropriated for payment of a secretary or second secretary of legation or an interpreter.]

**SECTION 4395 OF THE REVISED STATUTES AS AMENDED
BY THE ACT OF JANUARY 20, 1888 (25 STAT. 1)**

[SEC. 4395. That there shall be appointed by the President, by and with the advice and consent of the Senate, a person of scientific and practical acquaintance with the fish and fisheries to be a Commissioner of Fish and Fisheries, and he shall receive a salary at the rate of five thousand dollars a year, and he shall be removable at the pleasure of the President. Said Commissioner shall not hold any other office or employment under the authority of the United States or any State.]

**JOINT RESOLUTION [NO. 3] OF FEBRUARY 5, 1889
(25 STAT. 1019)**

[JOINT RESOLUTION Accepting the invitation of the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association

[Whereas, the Government of the United States has been invited by the Imperial German Government to become a party to the International Geodetic Association: Therefore,

[Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, requested and authorized to accept said invitation, and that he is hereby authorized and requested to appoint a delegate, who shall be an officer of the United States Geodetic and Coast Survey, to attend the next meeting of said International Geodetic Association, but no extra salary or additional compensation shall be paid to such by reason of such attendance.]

**SECTION 2 OF THE ACT OF JULY 31, 1894 (28 STAT. 205), AS
AMENDED BY THE ACT OF MAY 31, 1924 (43 STAT. 245), BY
SECTION 6 OF THE ACT OF JULY 30, 1937 (50 STAT. 549),
AND BY THE ACT OF JUNE 25, 1938 (52 STAT. 1194), RE-
LATING TO THE HOLDING OF TWO OFFICES (5 U.S.C. 62)**

[SEC. 2. That the pay of assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this Act, unless otherwise specially stated, shall be as follows: For assistant messengers, firemen, and watchmen, at the rate of seven hundred and twenty dollars per annum each; for laborers, at the rate of six hundred and sixty dollars per annum each, and for charwomen, at the rate of two hundred and forty dollars per annum each. No person who holds an office the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized thereto by law; but this shall not apply to retired officers of the Army, Navy, Marine Corps or Coast Guard whenever they may be elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate. Retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard retired for any cause, and retired

officers of the Army, Navy, Marine Corps, or Coast Guard who have been retired for injuries received in battle or for injuries or incapacity incurred in line of duty shall not, within the meaning of this section, be construed to hold or to have held an office during such retirement.】

**THE FIFTH PARAGRAPH OF THE ACT OF FEBRUARY 20, 1895
(28 STAT. 676)**

* * * * *
【The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed six dollars per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.】
* * * * *

**SECTION 7 OF THE ACT OF JUNE 3, 1896 (29 STAT. 235; 5
U.S.C. 63)**

【SEC. 7. That section two of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes, approved July thirty-first, eighteen hundred and ninety-four, shall not be so construed as to prevent the employment of any retired officer of the Army or Navy to do work under the direction of the Chief of Engineers of the United States Army in connection with the improvement of rivers and harbors of the United States, or the payment by the proper officer of the Treasury of any amounts agreed upon as compensation for such employment.】

SECTION 7 OF THE ACT OF JUNE 28, 1902 (32 STAT. 483)

【SEC. 7. That to enable the President to construct the canal and works appurtenant thereto as provided in this Act, there is hereby created the Isthmian Canal Commission, the same to be composed of seven members, who shall be nominated and appointed by the President, by and with the advice and consent of the Senate, and who shall serve until the completion of said canal unless sooner removed by the President, and one of whom shall be named as the chairman of said Commission. Of the seven members of said Commission at least four of them shall be persons learned and skilled in the science of engineering, and of the four at least one shall be an officer of the United States Army, and at least one other shall be an officer of the United States Navy, the said officers respectively being either upon the active or the retired list of the Army or of the Navy. Said commissioners shall each receive such compensation as the President shall prescribe until the same shall have been otherwise fixed by the Congress. In addition to the members of said Isthmian Canal Commission, the President is hereby authorized through said Commission to employ in said service any of the engineers of the United States Army at his discretion,

and likewise to employ any engineers in civil life at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation of all such engineers and other persons employed under this Act shall be fixed by said Commission, subject to the approval of the President. The official salary of any officer appointed or employed under this Act shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this Act. Said Commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually and at such other periods as may be required, either by law or by the order of the President, full and complete reports of all their actings and doings and of all moneys received and expended in the construction of said work and in the performance of their duties in connection therewith, which said reports shall be by the President transmitted to Congress. And the said Commission shall furthermore give to Congress, or either House of Congress, such information as may at any time be required either by Act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the Commission such offices as may, with suitable equipment of the same, be necessary and proper, in his discretion, for the proper discharge of the duties thereof.]

* * * * *

THE PARAGRAPH OF THE ACT OF MARCH 4, 1909 (35 STAT. 931), RELATING TO THE PAY OF RETIRED ARMY AND NAVY OFFICERS AND ENLISTED MEN THEN IN THE EMPLOY OF THE ISTHMIAN CANAL COMMISSION

[Authority is hereby granted for the payment of salaries and wages accrued or hereafter earned of retired army and navy officers and enlisted men now in the employment of the Isthmian Canal Commission, in addition to their retired pay, where their compensation under such employment does not exceed two thousand five hundred dollars per annum.]

THE SECOND PARAGRAPH UNDER THE CENTER HEADING "THE ISTHMIAN CANAL" WITH THE SIDE HEADING "NATIONAL WATERWAYS COMMISSION:" IN THE ACT OF AUGUST 5, 1909 (36 STAT. 130)

THE ISTHMIAN CANAL

* * * * *

[NATIONAL WATERWAYS COMMISSION: Any officer or employee of the Government heretofore or hereafter employed by the National Waterways Commission not to exceed three persons at any one time may receive compensation for such employment from the money appropriated for said commission, notwithstanding the provisions of Revised Statutes, sections seventeen hundred and sixty-three, seventeen hundred and sixty-four, and seventeen hundred and sixty-five, and the Act approved July thirty-first, eighteen hundred and ninety-

four, entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes," and any other law whatsoever relating to such employment and compensation; and, in addition to the traveling and other expenses of members of the commission and their employees, the actual necessary expenses of persons detailed by any department or bureau of the Government while accompanying said commission on any inspection trip in the United States or elsewhere may be paid from the money appropriated for said commission.】

**SECTION 12 OF THE ACT OF AUGUST 20, 1912 (37 STAT. 319;
7 U.S.C. 165)**

【SEC. 12. That for the purpose of carrying out the provisions of this Act there shall be appointed by the Secretary of Agriculture from existing bureaus and offices in the Department of Agriculture, including the Bureau of Entomology, the Bureau of Plant Industry, and the Forest Service, a Federal Horticultural Board consisting of five members, of whom not more than two shall be appointed from any one bureau or office, and who shall serve without additional compensation.】

**SECTION 6 OF THE ACT OF MAY 10, 1916 (39 STAT. 120; 5
U.S.C. 58), AS AMENDED BY THE ACT OF AUGUST 29, 1916
(39 STAT. 582; 5 U.S.C. 59)**

【SEC. 6. That unless otherwise specially authorized by law, no money appropriated by this or any other Act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of \$2,000 per annum, but this shall not apply to retired officers or enlisted men of the Army, Navy, Marine Corps, or Coast Guard, or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia: *Provided*, That no such retired officer, officer, or enlisted man shall be denied or deprived of any of his pay, salary, or compensation as such, or of any other salary or compensation for services heretofore rendered, by reason of any decision or construction of said section six.】

SECTION 8 OF THE ACT OF MARCH 21, 1918 (40 STAT. 455-456)

【SEC. 8. That the President may execute any of the powers herein and heretofore granted him with relation to Federal control through such agencies as he may determine, and may fix the reasonable compensation for the performance of services in connection therewith, and may avail himself of the advice, assistance, and cooperation of the Interstate Commerce Commission and of the members and employees thereof, and may also call upon any department, commission, or board of the Government for such services as he may deem expedient. But no such official or employee of the United

States shall receive any additional compensation for such services except as now permitted by law.]

**SECTIONS 3 AND 4 OF THE WAR FINANCE CORPORATION
ACT (40 STAT. 507; 15 U.S.C. 333 AND 334)**

【SEC. 3. That the management of the Corporation shall be vested in a board of directors, consisting of the Secretary of the Treasury, who shall be chairman of the board, and four other persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate. No director, officer, attorney, agent, or employee of the Corporation shall in any manner, directly or indirectly, participate in the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association, in which he is directly or indirectly interested; and each director shall devote his time, not otherwise required by the business of the United States, principally to the business of the Corporation. Before entering upon his duties, each of the four directors so appointed, and each officer, shall take an oath faithfully to discharge the duties of his office. Nothing contained in this or any other Act shall be construed to prevent the appointment as a director of the Corporation of any officer or employee under the United States or of a director of a Federal reserve bank.

【Of the four directors so appointed, the President of the United States shall designate two to serve for two years, and two for four years; and thereafter each director so appointed shall serve for four years. Whenever a vacancy shall occur among the directors so appointed, the person appointed director to fill any such vacancy shall hold office for the unexpired term of the member whose place he is selected to fill. Any director shall be subject to removal by the President of the United States. Three members of the board of directors shall constitute a quorum for the transaction of business.

【SEC. 4. That the four directors of the Corporation appointed as hereinbefore provided shall receive annual salaries payable monthly of \$12,000. Any director receiving from the United States any salary or compensation for services shall not receive as salary from the Corporation any amount which, together with any salary or compensation received from the United States, would make the total amount paid to him by the United States and by the Corporation exceed \$12,000.】

THE LAST PARAGRAPH UNDER THE HEADING "DISTRICT OF COLUMBIA." AND UNDER THE SUBHEADING "PUBLIC SCHOOLS." CONTAINED IN THE FIRST SECTION OF THE ACT OF JULY 8, 1918 (40 STAT. 823; D.C. CODE, SEC. 31-631)

DISTRICT OF COLUMBIA

* * * * *

PUBLIC SCHOOLS

* * * * *

【Section six of the legislative, executive, and judicial appropriation Act, approved May tenth, nineteen hundred and sixteen, as amended, shall not apply to employees of the community center department of the public schools of the District of Columbia.】

THE NINTH PARAGRAPH UNDER THE HEADING "DISTRICT OF COLUMBIA." AND UNDER THE SUBHEADING "PUBLIC SCHOOLS." CONTAINED IN THE FIRST SECTION OF THE THIRD DEFICIENCY ACT, FISCAL YEAR 1920 (41 STAT. 1017; D.C. CODE, SEC. 31-631)

DISTRICT OF COLUMBIA.

* * * * *

PUBLIC SCHOOLS.

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【Section 6 of the Legislative, Executive, and Judicial Appropriation Act approved May 10, 1916, as amended, shall not apply to employees of the school garden department of the public schools of the District of Columbia.】

THE PROVISIO CONTAINED IN THE PARAGRAPH UNDER THE HEADING "BUREAU OF THE BUDGET" IN THE ACT OF FEBRUARY 17, 1922 (42 STAT. 373; 5 U.S.C. 64)

BUREAU OF THE BUDGET

Director, \$10,000: 【Provided, That section 2 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, approved July 31, 1894, shall not be construed as having application to retired officers of the Army, Navy, Marine Corps, or Coast Guard who may be appointed to the offices created by section 207 of the Budget and Accounting Act, 1921, approved June 10, 1921, within the meaning of precluding payment to such officers of the difference in pay prescribed for such offices and their retired pay;】 Assistant Director, \$7,500; for all other necessary expenses of the bureau, including compensation of attorneys and other employees in the District of Columbia, printing, binding, telegrams, telephone

service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, traveling expenses, street car fares, per diem in lieu of subsistence not exceeding \$4 for officers and employees while absent from the seat of government on official duty, \$137,300; in all \$154,800.

SECTION 212 OF THE ACT OF JUNE 30, 1932 (47 STAT. 406), AS AMENDED BY SECTION 3 OF THE ACT OF JULY 15, 1940 (54 STAT. 761), BY THE ACT OF FEBRUARY 20, 1954 (68 STAT. 18), BY SECTION 2 OF THE ACT OF AUGUST 4, 1955 (69 STAT. 498), BY SECTION 2201(11) OF THE ACT OF JUNE 17, 1957 (71 STAT. 158), AND BY SECTION 13(d) OF THE ACT OF SEPTEMBER 2, 1958 (72 STAT. 1264)

[LIMITATIONS ON AMOUNT OF RETIRED PAY

[Sec. 212. (a) After the date of the enactment of this Act, no person holding a civilian office or position, appointive or elective, under the United States Government or the municipal government of the District of Columbia or under any corporation, the majority of the stock of which is owned by the United States, shall be entitled, during the period of such incumbency, to retired pay from the United States for or on account of services as a commissioned officer in any of the services mentioned in the Pay Adjustment Act of 1922 [U.S.C., title 37], at a rate in excess of an amount which when combined with the annual rate of compensation from such civilian office or position, makes the total rate from both sources more than \$10,000; and when the retired pay amounts to or exceeds the rate of \$10,000 per annum such person shall be entitled to the pay of the civilian office or position or the retired pay, whichever he may elect. As used in this section, the term "retired pay" shall be construed to include credits for all service that lawfully may enter into the computation thereof.

[(b) This section shall not apply to any person whose retired pay, plus civilian pay, amounts to less than \$10,000: *Provided*, That this section shall not apply to any regular or emergency commissioned officer retired for disability (1) incurred in combat with an enemy of the United States, or (2) caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in chapter 11 of title 38, United States Code).]

ACT OF SEPTEMBER 13, 1940 (54 STAT. 885)

[JOINT RESOLUTION To authorize Jesse H. Jones, Federal Loan Administrator, to be appointed to, and to perform the duties of, the Office of Secretary of Commerce

[Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of law to the contrary, Jesse H. Jones, Federal Loan Administrator, may continue in such office and be appointed to, in the manner now provided by law, and may exercise the duties of the

Office of Secretary of Commerce: *Provided*, That the total compensation to be paid him as Secretary of Commerce and as Federal Loan Administrator shall be that provided by law for the Secretary of Commerce.】

ACT OF MARCH 29, 1945 (59 STAT. 38)

JOINT RESOLUTION Providing for the employment of Government employees for folding speeches and pamphlets, House of Representatives

【*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding the provisions of the Act of May 10, 1916, as amended by the Act of August 29, 1916, the Doorkeeper of the House of Representatives is hereby authorized during the Seventy-ninth Congress to employ, whenever necessary, the services of Government employees for folding speeches and pamphlets at the prevailing rates provided by law.】

ACT OF AUGUST 10, 1946 (60 STAT. 978), AS AMENDED BY THE ACT OF OCTOBER 29, 1951 (65 STAT. 662)

AN ACT To authorize the Veterans' Administration to appoint and employ retired officers without affecting their retired status, and for other purposes

【*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding section 2 of the Act of July 31, 1894 (28 Stat. 205), as amended (5 U.S.C. 62), or section 6 of the Act of May 10, 1916 (39 Stat. 120), as amended (5 U.S.C. 58, 59), the Administrator of Veterans' Affairs may appoint to, and employ in, any civilian office or position in the Veterans' Administration, and pay, any retired commissioned officer, or retired warrant officer, of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service. The retired status, office, rank, and grade of retired commissioned officers, or retired warrant officers, so appointed or employed and, except as provided in section 212 of the Act of June 30, 1932 (47 Stat. 406), as amended (5 U.S.C. 59a), any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, shall be in no way affected by reason of such appointment to or employment in, or by reason of service in, or acceptance or holding of, any civilian office or position in the Veterans' Administration or the receipt of the pay thereof.

【**SEC. 2.** The authority to employ retired commissioned officers or retired warrant officers contained in section 1 of this Act shall be effective for a period of 10 years from the date of enactment.】

THE FIFTH SENTENCE OF SECTION 3 OF THE RECONSTRUCTION FINANCE CORPORATION ACT, AS IN EFFECT ON JUNE 30, 1947 (47 STAT. 6), AND AS CONTINUED BY SECTION 3(a) OF SUCH ACT, AS AMENDED (61 STAT. 203, 62 STAT. 262; 15 U.S.C. 603(a))

SEC. 3. * * *

[Nothing contained in this or in any other Act shall be construed to prevent the appointment and compensation as an employee of the corporation of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof.]

SECTION 2 OF THE ACT OF JULY 11, 1947 (61 STAT. 311; D.C. CODE, SEC. 4-183)

[SEC. 2. Notwithstanding the limitations of existing law, the said Commissioners may appoint to, and employ in, the position of director of such band, any retired officer of the United States Army, Navy, Marine Corps, or Coast Guard, and such retired officer shall be entitled to receive, in addition to his retired pay, the compensation authorized by this Act to be paid to such director, such additional compensation to be payable from District of Columbia appropriations.]

* * * * *

SECTION 3 OF THE ACT OF APRIL 21, 1948, AS AMENDED (7 U.S.C. 438)

[SEC. 3. Until December 31, 1949,¹ the Secretary of the Army may detail to the Department of Agriculture such military personnel, including officers in the Veterinary Corps of the Medical Department, as he may determine with the Secretary of Agriculture to be desirable to effectuate the purposes of this Act or to safeguard the interest of the United States. Notwithstanding the limitations contained in existing law, retired officer personnel of the Department of the Army, if employed by the Department of Agriculture for the purposes of this Act only, may receive in addition to their retired pay civilian salary to the extent that the total from both sources does not exceed the pay and allowances received by such persons in the permanent grade last held by them prior to retirement.]

* * * * *

SECTION 9 OF THE ACT OF JUNE 4, 1948 (62 STAT. 342; D.C. CODE, SEC. 2-1709)

SEC. 9. The Armory Board is authorized to employ and fix the compensation and term of a manager and such personnel as may be necessary in connection with the operation of the armory for the secondary purposes of this Act without regard to the provisions of the civil-service laws and Classification Act of 1923, as amended [and

¹ The authority of section 3 was continued until December 31, 1949, by Department of Agriculture Appropriation Act, 1950.

without regard to any prohibition against double salaries contained in any other law]. Under the direction of the Board and with written authorization signed by the members thereof, said manager may exercise such of the powers vested in the Board by section 6 of this Act as the Board shall determine.

* * * * *

**SECTION 5(f) OF THE CENTRAL INTELLIGENCE AGENCY
ACT OF 1949, AS AMENDED (65 STAT. 89, 72 STAT. 337;
50 U.S.C. 403f(f))¹**

GENERAL AUTHORITIES

SEC. 5. In the performance of its functions, the Central Intelligence Agency is authorized to—

* * * * *

[(f)(1) Notwithstanding section 2 of the Act of July 31, 1894 (28 Stat. 205), as amended (5 U.S.C.A. 62), or any other law prohibiting the employment of any retired commissioned or warrant officer of the armed services, the Agency is hereby authorized to employ and to pay the compensation of not more than fifteen retired officers or warrant officers of the armed services while performing service for the Agency, but while so serving such retired officer or warrant officer will be entitled to receive only the compensation of his position with the Agency, or his retired pay, whichever he may elect.

[(2) Nothing in this section shall limit or affect the appointment of and payment of compensation to retired officers or warrant officers not presently or hereafter prohibited by law.]

**SECTION 103 OF THE AMERICAN-MEXICAN TREATY ACT
OF 1950 (64 STAT. 847)**

SEC. 103. There are hereby authorized to be appropriated to the Department of State for the use of the Commission, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of the Treaty of February 3, 1944, and other treaties and conventions between the United States of America and the United Mexican States, under which the United States Section operates, and to discharge the statutory functions and duties of the United States Section. Such sums shall be available for construction, operation and maintenance of stream gaging stations, and their equipment and sites therefor; personal services and rent in the District of Columbia and elsewhere; services, including those of attorneys and appraisers, in accordance with the provisions of Section 15 of the Act of August 2, 1946 (5 U.S.C., sec. 55a), at rates for individuals not in excess of \$100 per diem and the United States Commissioner is hereby authorized, notwithstanding the provisions of any other Act, to employ as consultants by contract or otherwise without

¹ Section 5(f) of the Central Intelligence Agency Act was formerly section 6(f) of such Act and was redesignated as section 5(f) of such Act by section 21(b)(2) of the Government Employees Training Act (72 Stat. 337; Public Law 85-507).

regard to the Classification Act of 1949, as amended, and the civil service laws and regulations, retired personnel of the Armed Forces of the United States, who shall not be required to revert to an active status [, and who shall be entitled to receive, as compensation for such temporary service, the difference between the rates of pay established therefor and their retired pay during the period or periods of such temporary employment] ; travel expense, including, in the discretion of the Commissioner, expenses of attendance at meetings of organizations concerned with the activities of the Commission which may be necessary for the efficient discharge of the responsibilities of the Commission; hire, with or without personal services, of work animals, and animal-drawn and motor-propelled (including passenger) vehicles and aircraft and equipment; acquisition by donation, purchase, or condemnation, of real and personal property, including expenses of abstracts, certificates of title, and recording fees; purchase of ice and drinking water; inspection of equipment, supplies and materials by contract or otherwise; drilling and testing of foundations and damsites, by contract if deemed necessary; payment for official telephone service in the field in case of official telephones installed in private houses when authorized under regulations established by the Commissioner; purchase of firearms and ammunition for guard purposes; and such other objects and purposes as may be permitted by laws applicable, in whole or in part, to the United States Section: *Provided*, That, when appropriations have been made for the commencement or continuation of construction or operation and maintenance of any such project, the United States Commissioner, notwithstanding the provisions of sections 3679, 3732, and 3733 of the Revised Statutes or any other law, may enter into contracts beyond the amount actually appropriated for so much of the work on any such authorized project as the physical and orderly sequence of construction makes necessary, such contracts to be subject to and dependent upon future appropriations by Congress.

* * * * *

**SECTION 401(a) OF THE FEDERAL CIVIL DEFENSE ACT OF
1950, AS AMENDED (64 STAT. 1254; 50 U.S.C. APP. 2253(a))**

ADMINISTRATIVE AUTHORITY

Sec. 401. For the purpose of carrying out his powers and duties under this Act, the Administrator is authorized to--

(a) employ civilian personnel for duty in the United States, including the District of Columbia, or elsewhere, subject to the civil-service laws, and to fix the compensation of such personnel in accordance with the Classification Act of 1949, as amended; [and, notwithstanding the provisions of any other law, except those imposing restrictions upon dual compensation, employ, in a civilian capacity, with the approval of the President, not to exceed twenty-five retired personnel of the armed services on a full- or part-time basis without loss or reduction of or prejudice to their retired status;]

* * * * *

SUBPARAGRAPH (g) OF THE THIRD PARAGRAPH OF THE ACT OF AUGUST 5, 1953 (67 STAT. 366), AS AMENDED BY THE ACT OF AUGUST 9, 1955 (69 STAT. 590), AND BY THE ACT OF AUGUST 28, 1957 (71 STAT. 457)

[(g) Notwithstanding section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a) or any other Federal law, one retired officer of the services mentioned in the Career Compensation Act of 1949 may be appointed to any civilian office or position in the Corregidor-Bataan Memorial Commission created by the Act of August 5, 1953, as amended (36 U.S.C. 426), for a period of not to exceed five years, and receive retired pay as a retired officer and civilian compensation concurrently. The retired status, office, rank, or grade such retired officer may occupy or hold, or any emolument, prerequisite, right, privilege, or benefit, incident to or arising out of such status, office, rank or grade, shall be in no way affected by reason of such appointment to or employment in such Commission.]

SECTION 12 OF THE DISTRICT OF COLUMBIA TEACHERS' SALARY ACT OF 1955 (69 STAT. 529; D.C. CODE, SEC. 31-1541)

[SEC. 12. Notwithstanding any law or regulation to the contrary, the Board, on the written recommendation of the Superintendent of Schools, may employ not more than fifteen retired members of the armed services of the United States as teachers of military science and tactics in the public high schools of the District of Columbia, and such teachers so employed shall be entitled to compensation in accordance with the salary schedules in section 1 of this Act, in addition to their retired pay and allowances.]

SECTION 8 OF THE ACT OF SEPTEMBER 7, 1957 (71 STAT. 628; 36 U.S.C. 748)

[SEC. 8. Notwithstanding section 2, of the Act of July 31, 1894 (28 Stat. 205), as amended (5 U.S.C. 62), or section 6 of the Act of May 10, 1916 (39 Stat. 120), as amended (5 U.S.C. 58, 59), the Chairman of the Commission may appoint to, and employ in, any civilian office or position in the Commission, and pay, any retired commissioned officer, or retired warrant officer, of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service. The retired status, office, rank, and grade of retired commissioned officers or retired warrant officers, so appointed or employed and, except as provided in section 212 of the Act of June 30, 1932 (47 Stat. 406), as amended (5 U.S.C. 59a), any emolument, prerequisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade, shall be in no way affected by reason of such appointment to or employment in, or by reason of service in, or acceptance or holding of, any civilian office or position in the Commission or the receipt of the pay thereof.]

* * * * *

DUAL EMPLOYMENT AND DUAL COMPENSATION

SECTION 203(b)(11) OF THE NATIONAL AERONAUTICS AND
SPACE ACT OF 1958 (72 STAT. 431; 42 U.S.C. 2473(b)(11))

FUNCTIONS OF THE ADMINISTRATION

SEC. 203. (a) * * *

(b) In the performance of its functions the Administration is authorized—

* * * * *

[(11) to employ retired commissioned officers of the armed forces of the United States and compensate them at the rate established for the positions occupied by them within the Administration, subject only to the limitations in pay set forth in section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a).]

* * * * *

SECTION 626(c) OF THE ACT OF SEPTEMBER 4, 1961
(75 STAT. 451; 22 U.S.C. 2386(c))

SEC. 626. EXPERTS, CONSULTANTS, AND RETIRED OFFICERS.—(a)
* * *

* * * * *

[(c) Notwithstanding section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), any retired officer of any of the services mentioned in the Career Compensation Act of 1949, as amended (37 U.S.C. 231 et seq.), may hold any office or appointment under this Act, but the compensation of any such retired officer shall be subject to the provisions of section 212 of Public Law 72-212, as amended.]

SECTION 201(d) OF CHAPTER 7 OF TITLE 2, CANAL ZONE
CODE (76A STAT. 21)

§ 201. Compensation of persons in military, naval, or Public Health Service who serve Canal Zone Government or Panama Canal Company

(a) * * *

* * * * *

[(d) In the case of persons retired as members of a regular component of the armed forces or the Public Health Service of the United States who are appointed to or employed in positions in the Canal Zone Government or the Panama Canal Company, the amount of their retired pay shall be deducted from the amount of their civilian salary or compensation. This subsection does not require the deduction of the retired pay of any warrant officer or enlisted man.]

SECTION 507 OF THE DEPARTMENT OF DEFENSE APPROPRIATION ACT, 1964 (77 STAT. 264; PUBLIC LAW 88-149)

SEC. 507. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed \$25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals, (e) expenses of prisoners confined in non-military facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin-American cooperation as authorized for the Navy by law (10 U.S.C. 7208); and (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed \$25 in any one case [*Provided*, That section 212 of the Act of June 30, 1932 (5 U.S.C. 59a), shall not apply to retired military personnel on duty at the United States Soldiers' Home].

SECTION 4103(b) OF TITLE 38, UNITED STATES CODE

§ 4103. Appointments and compensation

(a) * * *

(b) The Chief Medical Director shall be the Chief of the Department of Medicine and Surgery and shall be directly responsible to the Administrator for the operations of the Department. He shall be a qualified doctor of medicine, appointed by the Administrator. [Section 62 of title 5 of the United States Code shall not apply to any individual appointed Chief Medical Director before January 1, 1964; however, section 59a of title 5 shall apply, in accordance with its terms, to any such individual.] During the period of his service as such, the Chief Medical Director shall be paid a salary of \$21,050 a year.

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